

SUPPORT FOR THE AMENDMENTS

Newly-added Claims 26-80 are supported by the specification and the original claims. See, in particular, pages 4 and 6 and the Examples at pages 11-17. Accordingly, no new matter is believed to have been added to the present application by the amendments submitted above.

REMARKS

Claims 26-80 are now pending. Favorable reconsideration is respectfully requested.

Applicants would like to thank Examiner Oladapo for the helpful and courteous discussion held with their representatives on December 9, 2010. During the discussion, Applicants representatives discussed the subject matter of Claims 26, 43 and 62 presented above. The Examiner indicated that the proposed claims appear to overcome the rejections based on Ryer (EP 0 348 236). See the Examiner's Interview Summary form. The following remarks expand on the discussion with the Examiner.

The present invention relates to a lubricating oil additive comprising a reaction product of a boron-containing succinimide compound and a phospho sulfurized hydrocarbon compound. See Claim 26.

The present invention also relates to a lubricating oil additive consisting essentially of a reaction product of a succinimide compound and a phospho sulfurized hydrocarbon compound. See Claim 43.

The present invention also relates to a lubricating oil additive consisting of a reaction product of a succinimide compound and a phospho sulfurized hydrocarbon compound. See Claim 62.

The rejections of the claims under 35 U.S.C. §102(b) over Ryer and under 35 U.S.C. §103(a) over Ryer in view of Ishida (US 2002/0072478) are respectfully traversed. These references fail to disclose or suggest the claimed lubricating oil additive.

Ryer discloses a power transmission additive. As described in the Abstract, the additive contains four components:

- (1) a phosphite ester,
- (2) a hydroxyl amine compound,
- (2) a reaction product of a polyisobutenyl succinimide and a phosphosulfurized terpene, and
- (4) a borated, aminated dispersant as an optional component.

Ryer also discloses that the hydroxyl amine compound may be used in the form of an adduct or reaction product with a boron compound. See page 10, lines 23-43.

The reaction product of a polyisobutenyl succinimide and a phosphosulfurized terpene is described in detail at page 6, lines 59-62 and page 10, line 44 to page 13, line 51. Nowhere in this reference does Ryer disclose or suggest that the succinimide compound is borated. That is, in Ryer, the succinimide compound is boron-free and so is the reaction product of a polyisobutenyl succinimide and a phosphosulfurized terpene.

In contrast, Claim 26 specifies the claimed lubricating oil additive comprises a reaction product of a boron-containing succinimide compound and a phospho sulfurized hydrocarbon compound. As discussed above, Ryer fails to disclose such a reaction product.

The reference also fails to suggest using a boron-containing succinimide compound. Ryer explicitly discloses that both the hydroxyl amine compound and the aminated dispersant may be borated. The fact that Ryer discloses that these two components are borated while the succinimide compound is boron-free would not motivate one skilled in the art to use a boron-containing succinimide compound to make the reaction product of a polyisobutenyl succinimide and a phosphosulfurized terpene. In fact, this disclosure is actually a teaching away from the use of a boron-containing succinimide compound as claimed.

In view of the foregoing, Ryer fails to disclose or suggest the additive recited in Claim 26.

The additives recited in Claims 43 and 62 are also neither anticipated nor obvious over Ryer. The additives specified in Claims 47 and 70 exclude the hydroxyl amine component of the composition disclosed by Ryer by using the transitional phrases “consisting essentially of” and “consisting of,” respectively. Since the hydroxyl amine component compound is a required and essential component of the additive disclosed by Ryer, one with that reference in hand would have no motivation to remove this component from the additive. Accordingly, Ryer fails to disclose or suggest the additives specified in Claim 47 or 70.

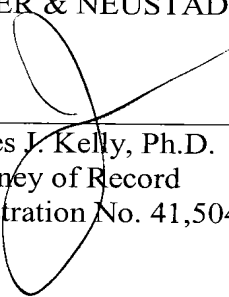
Ishida has been cited with respect to the %C_A of the base oil. See page 4 of the Office Action. Accordingly, this reference fails to remedy the deficiencies of Ryer as discussed above.

In view of the foregoing, Ryer alone or in combination with Ishida fails to disclose or suggest the claimed lubricating oil additive. Accordingly, the subject matter of the pending claims is neither anticipated by nor obvious over those references. Accordingly, withdrawal of these grounds of rejection is respectfully requested.

Applicants submit that the present application is in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

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